

REMARKS/ARGUMENTS

Claims 1-42 remain in this application. Claims 1, 5, 6, and 11 have been amended. New claims 43-47 have been added. Reconsideration and Re-examination of pending claims 1-47 is respectfully requested.

In response to the Office Action mailed July 20, 2005, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejection 35 U.S.C. § 102

Claims 1-29, 31, 32 and 35-42 are rejected under 35 U.S.C. § 102(b) as being anticipated by McIlroy et al. (U.S. Patent No. 5,953,704). Applicant respectfully disagrees.

McIlroy does not anticipate the invention of independent claim 1 as amended in that at least one element of the claimed invention is not taught, described, or suggested by McIlroy. For example, McIlroy fails to teach the step of determining a current recommendation and making the recommendation available for display as desired by the user. In addition, McIlroy fails to teach the presentation of a screen for soliciting additional input data and for permitting the modification of previously inputted data as desired.

Regarding the provision of an available current recommendation, McIlroy does not provide the ability to access a recommendation as desired at any time in the analysis process. A recommendation is only provided after a user has advanced through all of the branches of the process of McIlroy. Although McIlroy discusses an "initial review" it is merely a designator for a type of process that is being performed. Switching to an "extended" review in McIlroy does not revisit the initial review but takes the user on a different path. By contrast, in the present invention, all processes can result in a current recommendation whether the review is initial or extended.

Regarding the presentation of a screen that allows a user to enter additional data after the preliminary recommendation or to modify previously entered data, McIlroy fails to teach such an element. Although McIlroy permits a user to correct or change entries, that is only when the screen soliciting the entry is first presented. There is no going back to change or modify prior data in McIlroy. In fact, McIlroy states in column 12, lines 11-12 "No backward navigation is allowed in the questioning logic."

New Claims 43-47

Regarding the newly added claims, applicant contends that these claims are allowable over the art of record. With respect to new claim 46, McIlroy fails to teach, describe, or suggest the characterizing of data with a value that represents a degree of uncertainty in the data. The Examiner has stated that McIlroy teaches such degree of uncertainty in column 9, lines 45-49 and 62-64. Applicant reproduces those lines below:

"At step 9, a clinical appropriateness model is created by the panel that describes by intervention: patient characteristics for which the intervention is indicated and contraindications, with appropriate alternative when present. This information is then aggregated into a guideline."

"At step 13, the panel reviews the entire guideline for clarity and accuracy. Panel members vote formally for adoption of each guideline."

As can be seen, there is no teaching of using a degree of uncertainty in the application of an algorithm. Instead, these sections discuss preliminary activity that takes place prior to implementing a particular algorithm. By contrast, the present invention uses a degree of uncertainty in the application and implementation of its algorithm.

CONCLUSION

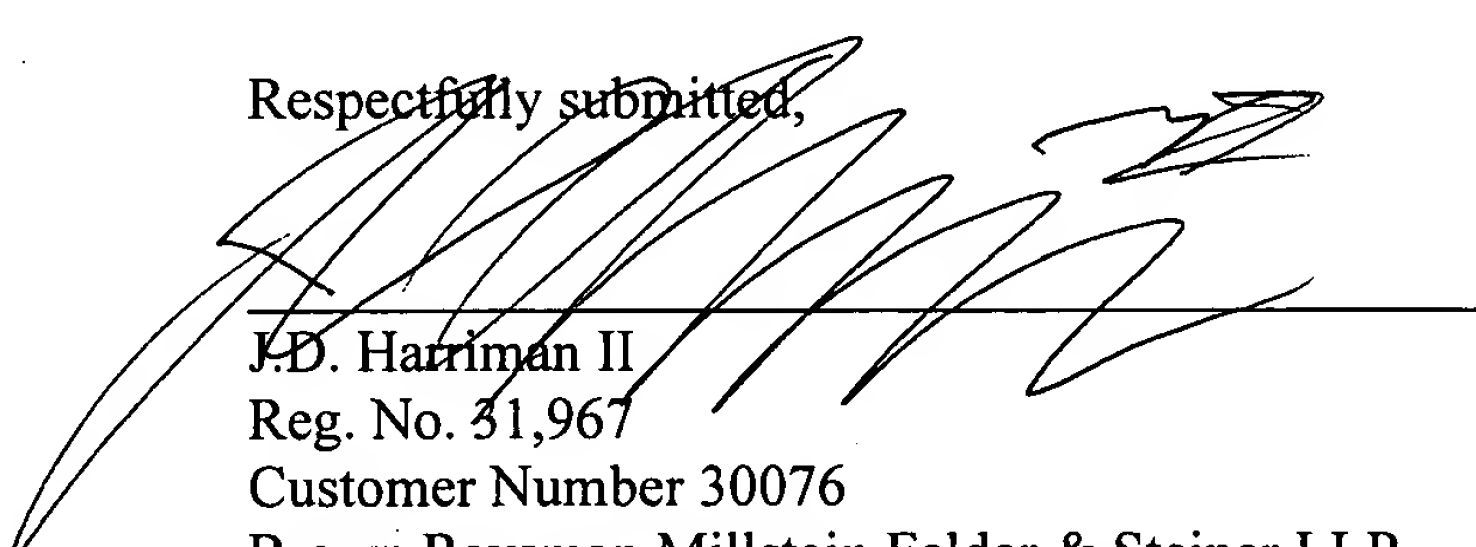
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1-47 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

This Amendment and Response accompanies a Request for Continued Examination. No additional fees are believed due with the submission of this paper. However, if the Applicant is mistaken, the Commissioner is hereby authorized to charge any required fees from Deposit Account No. 502811.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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